THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18246 of 2007

Between:

Smt.T.Swarna Kumari.

.. PETITIONER

and

The Revenue Divisional Officer and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18246 of 2007

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ORDER:

It is the case of the petitioner that her father Sri Amineni Narayana Naidu gifted the agricultural land in her favour to an extent of Ac.1-17 cents in Sy.No.574 of Rajampet Village and Mandal, Cuddapah District towards 'Pasupu Kunkuma' vide registered Gift Deed bearing No.428, dated 10-04-1985. Her marriage was performed with one Sri T.Venkateswarlu on 31-05-1985. While her husband was working in Kuwait as labourer, he died on 06-07-2005 due to illness.

It is further stated that she made an application to the 2nd respondent on 13-05-2005 in Form 6-A of A.P. Record of Rights in Land and Pattadar Passbook Act, 1971, (for short "the Act") for issuance of pattadar pass book and title deed in her favour by enclosing copy of the Gift Deed, dated 10-04-1985. But, the 2nd respondent informed her that the pattadar pass book was already issued in favour of her brother Sri Amineni Shankaraiah Naidu-3rd respondent herein. In that connection, the Mandal Revenue Officer, Rajampet, addressed a letter in Ref.No.C/360/2006, dated 05-05-2006, to the Revenue Divisional Officer, Rajampet-1st respondent stating that on enquiry it was revealed that the land in question has been gifted in favour of the petitioner by her father and the petitioner's brother obtained pattadar pass book by misrepresentation of fact, without disclosing about the Gift Deed executed by his father in favour of the petitioner. Accordingly, the Mandal Revenue Officer requested to cancel the pattadar pass book issued in favour of Amineni Shankaraiah Naidu, so as to issue pattadar pass book to the rightful owner after conducting detailed enquiry.

Admittedly, as per Section 5(5) of the Act, against every order of Recording Authority either making an amendment in the Record of Rights or

refusing to make such an amendment, an appeal lies to the Revenue Divisional Officer. Further, whenever any fraud or misrepresentation has been made, it is always open for the Recording Authority also to rectify such mistake. As the Recording Authority submitted a report, dated 05-05-2006, to the 1st respondent, the 1st respondent is directed to treat the said report as an appeal under Section 5(5) of the Act and issue notice to the petitioner and the 3rd respondent and after calling relevant records from the Tahsildhar, Rajampet Mandal, Rajampet-2nd respondent, pass appropriate orders, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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14-09-2007

Prv